

CL-21-0355-D

CAUSE NO. _____

YOLANDIA ANN YBARRA,
Plaintiff

vs.

WAL-MART STORES TEXAS, LLC,
Defendant§
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IN THE COUNTY COURT

AT LAW # 4

HIDALGO COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, YOLANDIA ANN YBARRA, hereinafter called Plaintiff complaining of WAL-MART STORES TEXAS, LLC, hereinafter called Defendant, and for cause of action would show as follows:

Parties

1. Defendant is a corporation organized and existing under the laws of the State of Texas. Process may be had on Defendant by serving its registered agent, C. T. Corporation Systems, at 1999 Bryan Street - Suite 900, Dallas, Texas, 75201, by certified mail return receipt requested.

Venue

2. Defendant owns, operates, and manages a business which is located at 215 East Mile 3 Road in Palmhurst, Hidalgo County, Texas, which is where the accident, giving rise to this suit, occurred.

3. Venue is proper in Hidalgo County, Texas, pursuant to the Civil Practice and Remedies Code § 15.002(a)(1) in that the cause of action occurred in Hidalgo County, Texas and (1) an act or omission of Defendant's negligence occurred in Hidalgo County where suit was filed.

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Venue is also proper in this suit in Hidalgo County, Texas, pursuant to the Civil Practice and Remedies Code § 15.002(a)(2) in that Hidalgo County is the County in which the cause of action arose, as well as the County in which Defendant conducted business at the time the cause of action arose.

Facts

4. Plaintiff would show that on or about May 13, 2020, Plaintiff was an invitee to Defendant's business located at 215 East Mile 3 Road, Palmhurst, Hidalgo County, Texas. Plaintiff was at Defendant's business when Plaintiff slipped and fell on water located on the floor thus causing Plaintiff to suffer serious, and lasting injuries for which she now sues. All of such damages were foreseeable and proximately caused by the act or omission on the part of Defendant herein, or one or more of its agents or employees.

5. At the time of the accident made the basis of these claims, the Defendant, acting by and through its agents, servants, or employees created or maintained a dangerous condition on said premises used by the business invitee. Said dangerous condition was due to water on the floor in an area utilized by the business invitees while at the business, including the use by the Plaintiff herein. The water on the floor created the dangerous condition that caused Plaintiff's injuries and damages. The Defendant's agents and employees working at the location knew or should have known that it was a dangerous condition and a hazard to the business invitees.

6. Plaintiff will show that at the time of the incident made the basis of this suit, the Defendant, as occupier of the premises, acting by and through its

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agents, servants, or employees, had actual or constructive knowledge of the dangerous condition since Defendant knew or should have known that there was water on the floor in an area utilized by the business invitees while at the business, including the use by the Plaintiff herein.

7. At the time and place of the incident made the basis of this suit, the Defendant acting by and through its agents, as set out hereinafter, servants, or employees, were guilty of various acts of negligence in breach of their duty to take whatever action is reasonably prudent under the circumstances to reduce or eliminate the unreasonable risk from the dangerous condition maintained on the premises. Defendant as the owner of the above described business, also had a duty to maintain its business premises in a reasonable safe condition for its business patrons and invitees. Defendant negligently permitted and maintained on said business premises the following dangerous conditions which created an unreasonable risk of injury to business invitees, including Plaintiffs to wit:

- a. Defendant failed to properly and adequately discover the dangerous condition on the premises which are used by invitees while moving about the business.
- b. Defendant failed to correct the dangerous condition existing on the premises.
- c. Defendant failed to provide a business that was free of a dangerous condition.
- d. Defendant created a dangerous condition.
- e. Defendant failed to provide notice of the dangerous condition.
- g. Defendant failed to correct the dangerous condition despite knowing that the condition existed.

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Pleading further, and in the alternative, Plaintiff invokes the doctrine of res ipsa loquitur.

8. Plaintiff contends that nothing she did or failed to do contributed to the cause of the incident that is the basis of this suit.

DAMAGES

9. By reason of all the foregoing acts and omissions, each and all of which constitute negligence and gross negligence, the Plaintiff has sustained injuries and damages in an amount within the jurisdictional amount of this Court for which she sues. As a result of the injuries, Plaintiff has suffered actual damages in the form of past and future medical expenses, past and future physical pain and suffering, past and future mental anguish, and past and future physical impairment. Plaintiff's request for all monetary relief does not exceed \$ 75,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees. Plaintiff requests prejudgment interest and interest on the judgment. Plaintiff respectfully reserves the right to amend this petition and to allege with specificity any further acts and/or omissions as discovery may develop, and to allege specific damages to Plaintiff in light of condition and damages known at the time of trial of the case.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays the Defendant be served with process and cited in terms of law to appear and answer and that upon a final hearing or trial hereof, that Plaintiff have judgment against the Defendant for all of their damages as plead herein above and as found by the

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trier of fact, for costs of court, for prejudgment and post judgment interest at the maximum legal rate until it is paid. Plaintiff further prays for a demand for judgment for all the other relief to which the Plaintiff deems herself entitled.

Respectfully submitted,

LAW OFFICES OF ROJELIO GARZA

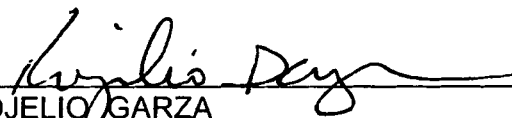
4405 N. McCOLL ROAD

McALLEN, TEXAS 78504

(956) 664-0009 TELEPHONE

(956) 664-2028 FACSIMILE

email: attorneyrgarza@yahoo.com

BY: 
ROJELIO GARZA
Texas State Bar No. 07742900
ATTORNEY FOR PLAINTIFF